



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): ROBERT JUZWIAK
APPLN. NO.: 10/802,399
FILING DATE: March 17, 2004
TITLE: VEHICLE SIDE STORAGE BOX
DOCKET: TRM TR010036CON
CUSTOMER NO.: 32047

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.53(b)

Dear Sir:

As a Response to Notice to File Missing Parts of Non-Provisional Application, Applicant files this Petition under 37 CFR 1.53(b) to accept filing under the circumstances that inventor Robert Juzwiak has refused to sign.

Robert Juzwiak was a former employee of the assignee and had an obligation of assignment of all inventions developed in the course of his employment relating to the subject matter of his employment. The present application comprises subject matter for which Mr. Juzwiak had an obligation of assignment to the assignee.

The undersigned attempted to contact Mr. Juzwiak at his last known address, 9410 Corinne, Plymouth, Michigan 48170. On July 30, 2004, U.S. Postal Service Express Mail package (Tracking No. EV177746701US) containing a copy of the patent application, the Declaration and Power of Attorney and Assignment documents, and a postage-paid return envelope, was mailed to Robert Juzwiak at the above address. According to U.S. Postal Service records, the package was delivered on July 31, 2004 and was signed for by R. Juzwiak. The signed Declaration and Power of Attorney and Assignment documents were not returned as requested. A copy of the letter to Robert Juzwiak, the Express Mail receipt, and the Delivery Status Sheet for the U.S. Postal Service, are attached. An Internet search was performed and no other address could be located in the state of Michigan for Robert Juzwaik. The results of that Internet search are also attached.

The undersigned respectfully submits that factual proof has been presented that diligent effort has been made to contact Mr. Juzwaik at his last known address, as attested to by the undersigned's signature below.

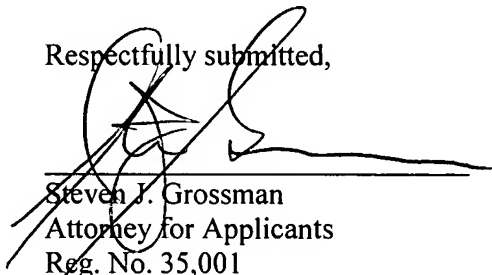
Applicant includes herein a redacted copy of a signed Textron Automotive Company Invention Disclosure form of Robert Juzwiak entitled "Side Storage Box", attorney docket TR01-0036US, which is the underlying disclosure document of Robert Juzwiak that was submitted in this matter. This document was submitted and signed by Robert Juzwiak on March 8, 2001 and witnessed by Steve Savalle and Rick Schlaler on March 8, 2001. This document confirms that Mr. Juzwiak understood an obligation to disclose and assign his inventions to Textron Automotive Company.

Pursuant to MPEP 409.03(g) applicant states that the underlying filing date of the present application is necessary to preserve the rights of the applicant to prevent irreparable damage.

Accordingly, it is respectfully submitted that the requirements of 37 CFR 1.53(b) have been fully satisfied and the present application be accepted for prosecution on the merits.

It is not believed that there are any fees associated with this petition; however, in the event there any fees are payable, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,



Steven J. Grossman
Attorney for Applicants
Reg. No. 35,001

Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, New Hampshire 03101

CERTIFICATE OF MAILING

Date of Deposit: November 17, 2004

I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service under 37 CFR 1.10 on the date indicated above, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of person mailing: Mary Boyd
Name of person mailing: Mary Boyd



Track & Confirm

Shipment Details

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Here is what happened earlier:

- NOTICE LEFT, July 31, 2004, 11:10 am, PLYMOUTH, MI 48170
- ARRIVAL AT UNIT, July 31, 2004, 10:15 am, PLYMOUTH, MI 48170
- ENROUTE, July 30, 2004, 6:32 pm, MANCHESTER, NH 03103
- ACCEPTANCE, July 30, 2004, 4:49 pm, MANCHESTER, NH 03101

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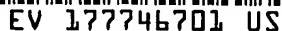
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Date In 07/20/04	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$	Delivery Attempt	Time	Employee Signature
Time In 4:50	Military	Return Receipt Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight 5.8 lbs. ozs.	Int'l Alpha Country Code	Insurance Fee	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials AM	Total Postage & Fees \$ 12.65	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday _____ <div style="text-align: right;">Customer Signature</div>		
CUSTOMER USE ONLY			FEDERAL AGENCY ACCT. NO. OR POSTAL SERVICE ACCT. NO.		
METHOD OF PAYMENT:			FEDERAL AGENCY ACCT. NO. OR POSTAL SERVICE ACCT. NO.		
Express Mail Corporate Acct. No. 4031271			Express Mail Corporate Acct. No. _____		
FROM: (PLEASE PRINT) PHONE () GROSSMAN, TUCKER, PERREAULT & FLEGEN, PLLC 55 S COMMERCIAL ST MANCHESTER NH 03101-2606 Carol			TO: (PLEASE PRINT) PHONE () MR. Robert Juzwiak 9410 Corinne Street Plymouth, Michigan 48170-4024		
ITEM TRACKING NO. 9503 60366001			ITEM TRACKING NO. 9503 60366001		



EV177746701US

Intellectual Property Matters

GROSSMAN, TUCKER
PERREAULT & PFLEGER, PLLC

55 South Commercial Street
Manchester, NH 03101 USA
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VIA EXPRESS MAIL
Label No. EV 177746701 US
July 30, 2004

Mr. Robert Juzwiak
9410 Corinne Street
Plymouth, MI 48170-4024

Steven J. Grossman Ph.D. (NH)
Teresa C. Tucker (NH)
Donald J. Perreault (NH, MA)
Edmund P. Pfleger (AZ)
Scott R. Faber (PA)
Kevin J. Carroll (NH, MA)
Jeffrey T. Placker (MA)

RE: Robert Juzwiak
US Patent Appln. Serial No. 10/802,399
Filed: March 17, 2004
Continuation of PCT/US02/29440
For: **Vehicle Side Storage Box**
Our Ref: TRM TR010036CON

Patent Agent:
Richard D. Rhodes



Dear Mr. Juzwiak:

We are patent counsel for Collins & Aikman with respect to the above-referenced case. Enclosed please find a copy of the pending application, which you have been named as the inventor.

In accordance with your previous employment obligations, I respectfully request your signature on the enclosed Declaration/Power of Attorney.

Please sign and return the attached Declaration form as soon as possible. A postage paid return envelope is enclosed for your convenience. If you have any questions, please do not hesitate to contact this office.

Thanking you in advance for your cooperation with this matter.

Sincerely,


Steven J. Grossman Ph.D.

SJG: clm
Enclosures

G:\Carol\GTPPAC & AITR01 Series\TR010036\TR010036CON\ltr to non-signing investor R Juzwiak 07.30.04.doc

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Received/Recorded by:

T. Smith

Invention Disclosure #:

TR01-003645

Receipt Date Stamp:

TEXTRON AUTOMOTIVE COMPANY

- CONFIDENTIAL -

INVENTION DISCLOSURE

SIDE STORAGE BOX

INVENTION TITLE

ROBERT JUZWIAK

INVENTOR(S)

General guidelines relative to the completing and processing of this form:

1. All responses must be in permanent ink.
2. All names and dates must be spelled out completely to avoid possible misinterpretation.
3. For any item requiring more elaboration, attach a separate sheet which is signed, dated, and witnessed.
4. Drawings must be signed, dated, and witnessed (whether or not attached) for proof of invention.
5. Inventors should retain a photocopy of the submitted disclosure for their own records.
6. Return the completed disclosure in a confidentially marked envelope (inter-company or US mail) to the designated processing location below:
Trim Operations: 74 Industrial Park Drive, Dover, NH, 03820; Attn.: Cheryl Wood (603) 743-2474
McCord Winn: 645 Harvey Rd. Manchester, NH, 03103; Attn.: Dick Rhodes (603) 628-3728
7. Upon receipt of the disclosure by TAC, it will be assigned a case number for recording and future correspondence between the inventor(s) and TAC.
8. Once the disclosure has been reviewed by TAC, the inventor(s) will be notified as to the necessary action.
9. For additional assistance relative to completing this form contact Automotive Technology Center **TEXTRON**, 74 Industrial Park Drive, Dover, NH, 03820; (603) 743-2431.
10. The most recent approved revision of this form is available on the Troy P:\TAC_NT_2\FSHARE network at location p:\patents\invntdis.doc (Note: The drive identifier may vary based on user location).

V. Sketch of the Invention: *(If more space is required attach a separate sheet, or if drawings were generated previous to this disclosure attach a copy. In either instance, the drawings should be signed, dated, and witnessed; and identified below.)*

VI. Description of the Invention: Describe: (a) what is presently being done, (b) how the invention will improve the present method, (c) what is believed to be inventive about the subject matter, (d) any variations of a broader scope than those preferred, and (e) any related prior art including patents, scientific articles, technical bulletins, etc. *(If more space is required attach a separate sheet, or if reports or other documents were generated previous to this disclosure attach a copy. In either instance, the attached items should be signed, dated, and witnessed; and identified below.)*

VII. Inventor(s):

(Print FULL names and addresses)

Name: Robert Juzwiak

Address: 9410 Corinne
Plymouth, Mi. 48170

Signature: [Signature]

Date: _____

Name: _____

Address: _____

Signature: _____

Date: _____

Name: _____

Address: _____

Signature: _____

Date: _____

Name: _____

Address: _____

Signature: _____

Date: _____

Employee ☒ TAC or affiliate

☐ Other: _____

Facility: Opburn

Day Phone: (248)829-7468

Citizen of: U.S.

Employee ☐ TAC or affiliate

☐ Other: _____

Facility: _____

Day Phone: _____

Citizen of: _____

Employee ☐ TAC or affiliate

☐ Other: _____

Facility: _____

Day Phone: _____

Citizen of: _____

Employee ☐ TAC or affiliate

☐ Other: _____

Facility: _____

Day Phone: _____

Citizen of: _____

VIII. Witnesses: (Two witnesses are required. A witness should be a technically competent person who reads and understands what is being reported, but who is NOT the inventor, co-inventor, or any other person who has responsibility for technical advice in connection with the project.)

This invention was read and understood by me:

Name: STEVE SAVALLI

Address: 6030 WALDON RD
CLARKSTON MI

Day Phone: 248 829 7020

Signature: [Signature]

Date: 3/8/01

Facility: OPBURN

Citizen of: US

Name: RICK SCHWACH

Address: 3278 SCHOOLHOUSE DR
WATERFORD MI 48326

Day Phone: 248 829 7020

Signature: [Signature]

Date: 3-8-01

Facility: OPBURN

Citizen of: USA